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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 United States of America,) 12-7551M
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Vicenta Jimenez-Canselario,)
14 Defendant.)

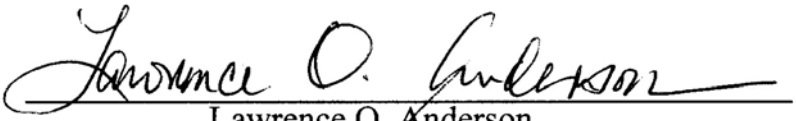
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16 This Court has considered the parties' Joint Motion to Extend Time for Indictment.
17 (Doc. 5)

18 Defendant has been charged with Illegal Entry, in violation of 8 U.S.C. § 1325(a)(2),
19 which carries a maximum prison sentence of six months. It is a petty offense. 18 U.S.C. §
20 3559(a)(7). The Speedy Trial Act, 18, U.S.C. §§ 3161-3172, does not apply to petty
21 offenses. *See* 18 U.S.C. § 3172(a) (defining "offense" to be "any Federal criminal offense
22 which is established by Act of Congress (other than a Class B or C misdemeanor or an
23 infraction . . ."). "Petty offenses are exempted from both the requirement of a jury trial and
24 the Speedy Trial Act." *United States v. Richmond*, 312 Fed. Appx. 56, at *1 (9th Cir. 2009)
25 (citing *United States v. Baker*, 641 F.2d 1311, 1319 (9th Cir. 1981) (holding Speedy Trial
26 Act does not apply to petty offenses); *United States v. Carpenter*, 91 F.3d 1282 (9th Cir.
27 1996) (collecting cases explaining that criminal contempt cannot be classified as either a
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1 felony or misdemeanor for all purposes, but instead should be classified based on the
2 sentencing range imposed).

3 **IT IS ORDERED** that the parties' Joint Motion to Extend Time for Indictment, doc.
4 5, is **DENIED** as moot.

5 DATED this 17th day of October, 2012.

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8 Lawrence O. Anderson
9 United States Magistrate Judge
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